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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,171	01/26/2004	Seitoku Kaya	248155US0	6707
22850	7590	12/14/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			ZACHARIA, RAMSEY E	
			ART UNIT	PAPER NUMBER
			1773	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/763,171

Applicant(s)

KAYA ET AL.

Examiner

Ramsey Zacharia

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) 13-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. The indicated allowability of claims 7-9, 12, and 17-20 is withdrawn in view of the newly discovered reference(s) to Nishio et al. Rejections based on the newly cited reference(s) follow.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Election/Restrictions***

3. Claims 13-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in the reply filed on 22 June 2005.

#### ***Claim Rejections - 35 USC § 102 / 103***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 4-7, 10, 12, 17, and 20 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nishio et al. (US 2004/0213969 A1).

Nishio et al. teach a carrier film used as a supporting film to make a coated film (paragraph 0010). The carrier film comprising a supporting film and a fluororesin laminated on at least one side of the supporting film (paragraph 0014). That is, the fluororesin may be laminated on both sides of the supporting film. The fluororesin is preferably a tetrafluoroethylene-ethylene copolymer having a thickness of 1-50  $\mu\text{m}$  and the supporting film is a drawn (i.e. stretched) polyester film having a thickness of 5-1,000  $\mu\text{m}$  (paragraph 0018). Preferably, the total thickness of the laminate is 10-300  $\mu\text{m}$  (paragraph 0023). Polyethylene terephthalate is the preferred polyester (paragraph 0034). The fluororesin may be adhered to the polyester by means of an adhesive, such as a polyurethane adhesive (paragraph 0038).

Nishio et al. are silent as to the haze of their film. However, the film is designed to have a good precision of thickness (see paragraph 0033) and may serve as a support for forming a coated film. Because the film of Nishio et al. is formed of the same materials as the instant film and is designed to have uniform thickness, one would expect it to have the same haze as that of the instant invention since haze is a function of the materials used and the unevenness of the surface. Alternatively, in the event that the carrier film of Nishio et al. does not inherently possess a haze of at most 5% as measured in accordance with JIS K7105, it would be obvious to one skilled in the art to maximize the smoothness of the carrier film surface (and thus minimize the resulting haze) for applications in which a the carrier film is to be used to form a smooth coating film.

***Claim Rejections - 35 USC § 103***

6. Claims 2, 3, 8, 9, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishio et al. (US 2004/0213969 A1) in view of Ukihashi et al. (U.S. Patent 4,123,602).

Nishio et al. teach all the limitations of claims 2, 3, 8, 9, 18, and 19, as outlined above, except for the inclusion of a third monomer in the ethylene/tetrafluoroethylene copolymer.

Ukihashi et al. teach an ethylene/tetrafluoroethylene copolymer having a molar ratio of tetrafluoroethylene to ethylene of 40:60 to 60:40 that further comprises 0.1-10 mole% of a repeat unit based on the monomer  $\text{CH}_2=\text{CH}-\text{C}_n\text{F}_{2n+1}$  wherein n is an integer from 2 to 10 (column 2, lines 36-45). The polymer has excellent physical properties and improved tensile characteristics at high temperatures (column 2, lines 25-31).

One skilled in the art would be motivated to use the ethylene/tetrafluoroethylene polymer of Ukihashi et al. as the ethylene/tetrafluoroethylene polymer of Nishio et al. to yield a product having excellent properties and improved tensile characteristics for applications in which the carrier film would be expected to be used at higher temperatures.

***Response to Arguments***

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.


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***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Zacharia whose telephone number is (571) 272-1518. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney, can be reached at (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**Ramsey Zacharia**  
**Primary Examiner**  
**Tech Center 1700**